


<i>Application Number</i> 	Application/Control No. 10/667,581	Applicant(s)/Patent Under Reexamination HAKIEL ET AL.
	Examiner Kishin G. Belani	Art Unit 2143



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10/667,581	09/22/2003	Simon R. Hakiel	GB920030085US1	9639
25259	7590	11/02/2007	EXAMINER	
IBM CORPORATION 3039 CORNWALLIS RD. DEPT. T81 / B503, PO BOX 12195 REASEARCH TRIANGLE PARK, NC 27709			BELANI, KISHIN G	
			ART UNIT	PAPER NUMBER
			2143	
			NOTIFICATION DATE	DELIVERY MODE
			11/02/2007	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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Office Action Summary

Application No.

10/667,581

Applicant(s)

HAKIEL ET AL.

Examiner

Kishin G. Belani

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 September 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 4 and 6-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 4 and 6-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This action is in response to Applicant's RCE filed on 09-20-2007. **Claim 5** has been cancelled. **Claims 2-3 and 13** were cancelled prior to earlier final office action dated 06-21-2007. **Claims 1, 9, 10 and 12** have currently been amended. **Claim 4** was previously amended. The applicants' current amendments to claims are shown in ***bold and italics***, and the examiner's response to the amendments is shown in **bold** in this office action. **Claims 1, 4 and 6-12** are now pending in the present application.

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 9/20/2007 has been entered.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1, 4 and 6-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Wilson et al. (U.S. Patent Publication # 6,714,976 B1)** in view of **Ditmer et al. (U.S. Patent Publication # 6,473,407 B1)** and further in view of **Black et al. (U.S. Patent Publication # 7,143,153 B1)**.

Consider **claim 1**, Wilson et al. clearly show and disclose a method of filtering one or more events associated with one or more computer environments for display in a performance monitoring system, wherein each of the one or more events is generated when a threshold associated with a first parameter is met (Fig. 14, flowchart blocks 322 and 324 that show and disclose a filtering process for collected event data by comparing the data with pre-defined rules, then continuing to process the filtered data only; column 18, lines 40-42 that disclose how the events related to business transactions are processed by the filtering process described in the flowchart; column 6, lines 27-45 that describe a second filtering process for monitoring the performance of various computer systems in a network by disclosing that users can select and specify in the configuration plug-in modules which events to monitor by the monitoring agents; Abstract; Fig. 1; column 4, lines 31-50 that show and disclose the monitoring environment with a multiplicity of computer environments (server s1 block 20 and server s2 block 22 and monitoring agents 30-40); Fig. 13 and column 17, lines 8-14 that show and disclose the corresponding set up for business transaction monitoring events; Fig. 7; column 10, lines 39-48; column 14, lines 2-7 that disclose defining the trigger events and collecting diagnostic information for performance monitoring of computer environments; Fig. 14; column 18, lines 1-8 that show and disclose the corresponding details for business transaction monitoring events), the method comprising the steps of: receiving a filter ~~representing at least one of:~~ a set of the one or more computer environments ~~or at least one second parameter~~ (Fig. 1, EM Console block 42 that receives event triggered data from EM agents 30-40; column 6, lines 42-45 that disclose

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the plug-in modules for filtering and capturing the event triggered data and sending the captured data to the EM Console; Table in Fig. 11 that shows the type of data collected including system component 268 as one or more computer environments **and threshold 264 as a second parameter**); and displaying the filtered one or more events (Fig. 1, EM Console block 42 and Monitoring Station 24; column 4, lines 20-30 and 63-67 that show and disclose monitoring and managing of a distributed application, with an application program running on console 42 that displays event-triggered monitored data at the component and at the enterprise level).

However, Wilson et al. do not explicitly disclose that in response to the receiving step, filtering the one or more events **using the filter**, wherein the filter is received from, and the one or more filtered events are displayed on a single display window; and displaying a link from a first set of information related to the filtered one or more events being displayed, said link for accessing a second set of information related to the first set of information.

In the same field of endeavor, Ditmer et al. disclose that in response to the receiving step, filtering the one or more events **using the filter**, wherein the filter is received from, and the one or more filtered events are displayed on a single display window (column 13, lines 28-39 which disclose a method for alarm management from a single workstation, including display or print lists of active alarms and define or display customized alarm filters to specify which alarms will appear in the alarm presentation).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to provide, in response to the receiving step, a means for filtering the one or more events using the filter, wherein the filter is received from, and the one or more filtered events are displayed on, a single display window, as taught by Ditmer et al., in the method of Wilson et al., so as to provide the users with specific events based on filters defined by the users, thereby displaying focused event information in a single workstation window.

However, Wilson et al., as modified by Ditmer et al., do not specifically disclose displaying a link from a first set of information related to the filtered one or more events being displayed, said link for accessing a second set of information related to the first set of information.

In the same field of endeavor, Black et al. show and disclose displaying a link from a first set of information related to the filtered one or more events being displayed, said link for accessing a second set of information related to the first set of information (Figs. 7A and 7C that show links both in the form of clickable status buttons 899a-899e (Fig. 7A) and as links 899a-899e (Fig. 7C); when one of these links is clicked, the GUI of Fig. 7B is displayed, providing additional details of the filtered event; column 37, lines 19-35 and 48-55 disclose the same details).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to disclose displaying a link from a first set of information related to the filtered one or more events being displayed, said link for accessing a second set of information related to the first set of information, as taught by

Black et al. in the method of Wilson et al., as modified by Ditmer et al., so as to provide the network administrator additional status information for one or more filtered events, whenever the administrator wishes to further monitor an event that may be of critical importance by clicking on the link.

Consider **claim 4**, and **as applied to claim 1 above**, Wilson et al., as modified by Ditmer et al. and Black et al., further show and disclose a method wherein for each of the filtered one or more events, the displaying step further comprises the step of displaying a first set of information associated with an event identifier (Fig. 11, Exception ID column 262; column 13, lines 64-66 that disclose an event identifier field 262);

the associated one or more computer environments (Fig. 11, Components Type field in column 266; column 14, lines 7-10 that describe the data item associated with column 266 of the table in Fig. 11);

the first parameter (Fig. 11, System Components for Data Gathering column 268; column 14, lines 16-34 that describe the data item associated with column 268 of the table in Fig. 11);

the second parameter (Fig. 11, Threshold column 264; column 13, lines 66-67 and column 14, lines 1-7 that describe the data item associated with column 264 of the table in Fig. 11); and

a second parameter identifier (Fig. 11, Data ID field of column 266; column 14, lines 7-15 that describe the data item associated with column 266 of the table in Fig. 11).

Consider **claim 6**, and **as applied to claim 1 above**, Wilson et al., as modified by Ditmer et al. and Black et al., further disclose a method wherein the second set of information comprises information associated with the configuration of the one or more computer environments (column 15, lines 13-15 which disclose that the data contained in table 260 of Fig. 11 (first set of information) is associated with the configuration information (second set of information) of the computer system being monitored).

Consider **claim 7**, and **as applied to claim 1 above**, Wilson et al., as modified by Ditmer et al. and Black et al., further disclose a method wherein the second set of information comprises information associated with the threshold (column 13, lines 64-67 and column 14, lines 1-7 which disclose that the second set of information (column 264 of Fig. 11) comprises information associated with the threshold).

Consider **claim 8**, and **as applied to claim 1 above**, Wilson et al., as modified by Ditmer et al. and Black et al., further disclose the claimed invention including disclosing that the first parameter represents a severity level (in Ditmer et al. reference, column 20, line 46 that discloses different levels of severity for monitoring events).

Consider **claim 9**, and **as applied to claim 1 above**, Wilson et al., as modified by Ditmer et al. and Black et al., further disclose a method **comprising the steps of:**

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receiving a second filter representing at least one second parameter (in Ditmer et al. reference, Fig. 9, column 20, lines 35-67 and column 21, lines 1-35 which disclose that a customer typically subscribes to several services; therefore, in order to limit data collection to data germane to those particular services, the user must specify which services (e.g. VNET in the SQL statement shown in column 21, lines 9-18) need to be monitored, thereby disclosing receiving a second filter representing at least one second parameter),

filtering the one or more events using the second filter in response to receiving the second filter (the SQL statement shown in column 21, lines 9-18, which acts as a filter to limit the monitored events only to the services subscribed by the customer),

wherein the second parameter represents a resource (in Ditmer et al. reference, the services subscribed represent monitoring corresponding resources for any events).

Consider **claim 10**, and as applied to **claim 1** above, Wilson et al., as modified by Ditmer et al. and Black et al., further disclose a method ***further comprising the steps of:***

receiving a second filter representing at least one second parameter (in Ditmer et al. reference, column 21, lines 52-58 which disclose that events identified in the event view (defined by the user) may be periodically forwarded based upon a customer configurable interval, thereby disclosing receiving a second filter

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representing at least one second parameter (period or time interval for which the generated events are to be displayed in the user view)),

filtering the one or more events using the second filter in response to receiving the second filter (in Ditmer et al. reference, column 21, lines 52-58 which further disclose that only the events generated during the specified time interval (second filter) are made available in an event queue for display to the user in order of the severity of the event),

wherein the second parameter represents a time (in Ditmer et al. reference, column 21, lines 52-58 which disclose that events identified in the event view (defined by the user) may be periodically forwarded based upon a customer configurable interval, thereby disclosing that the second parameter represents a time).

Consider **claim 11**, and **as applied to claim 1 above**, Wilson et al., as modified by Ditmer et al. and Black et al., further disclose a method wherein each of the one or more computer environments comprises at least one computer system (in Wilson et al. reference, Fig. 1, server s1 block 20 and server s2 block 22 as examples of one or more computer environments with at least one computer system; column 4, lines 20-30 that disclose various components of the invention).

Consider **claim 12**, Wilson et al. clearly disclose an apparatus for filtering one or more events associated with one or more computer environments for display in a performance monitoring system, wherein each of the one or more events is generated

when a threshold associated with a first parameter is met (Fig. 14, flowchart blocks 322 and 324 that show and disclose a filtering process for collected event data by comparing the data with pre-defined rules, then continuing to process the filtered data only; column 18, lines 40-42 that disclose how the events related to business transactions are processed by the filtering process described in the flowchart; column 6, lines 27-45 that describe a second filtering process for monitoring the performance of various computer systems in a network by disclosing that users can select and specify in the configuration plug-in modules which events to monitor by the monitoring agents; Abstract; Fig. 1; column 4, lines 31-50 that show and disclose a monitoring apparatus with a multiplicity of computer environments (server s1 block 20 and server s2 block 22 and monitoring agents 30-40); Fig. 13 and column 17, lines 1-8 show and disclose the corresponding set up for business transaction monitoring events; Fig. 7; column 10, lines 39-48; column 14, lines 2-7 that disclose defining the trigger events and collecting diagnostic information for performance monitoring of computer environments; Fig. 14; column 18, lines 1-8 that show and disclose the corresponding details for business transaction monitoring events), the apparatus comprising:

means for receiving a filter representing ~~at least one of:~~ a set of the one or more computer environments ~~or at least one second parameter~~ (Fig. 1, EM Console block 42 that receives event triggered data from EM agents 30-40; column 6, lines 42-45 that disclose the plug-in modules for filtering and capturing the event triggered data and sending the captured data to the EM Console; Table in Fig. 11 that shows the type of

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data collected including system component 268 as one or more computer environments ~~and threshold 264 as a second parameter~~); and means for displaying the filtered one or more events (Fig. 1, EM Console block 42 and Monitoring Station 24; column 4, lines 20-30 and 63-67 that show and disclose the means for monitoring and managing a distributed application, with an application program running on console 42 that displays event-triggered monitored data at the component and at the enterprise level).

However, Wilson et al. do not specifically disclose means, responsive to the receiving means, for filtering the one or more events *using the filter*; wherein the filter is received from, and the one or more filtered events are displayed on, a single display window; and means for displaying a link from a first set of information related to the filtered one or more events being displayed, said link for accessing a second set of information related to the first set of information.

In the same field of endeavor, Ditmer et al. disclose means, responsive to the receiving means, for filtering the one or more events *using the filter*, wherein the filter is received from, and the one or more filtered events are displayed on, a single display window (column 13, lines 28-39 which disclose a means for alarm management from a single workstation, including displaying or printing lists of active alarms and defining or displaying customized alarm filters to specify which alarms will appear in the alarm presentation).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to provide, means, responsive to the receiving means,

for filtering the one or more events using the filter, wherein the filter is received from, and the one or more filtered events are displayed on a single display window, as taught by Ditmer et al., in the apparatus of Wilson et al., so as to provide the users with specific events based on filters defined by the users, thereby displaying focused event information in a single workstation window.

However, Wilson et al., as modified by Ditmer et al., do not specifically disclose displaying a link from a first set of information related to the filtered one or more events being displayed, said link for accessing a second set of information related to the first set of information.

In the same field of endeavor, Black et al. show and disclose displaying a link from a first set of information related to the filtered one or more events being displayed, said link for accessing a second set of information related to the first set of information (Figs. 7A and 7C that show links both in the form of clickable status buttons 899a-899e (Fig. 7A) and as links 899a-899e (Fig. 7C); when one of these links is clicked, the GUI of Fig. 7B is displayed, providing additional details of the filtered event; column 37, lines 19-35 and 48-55 disclose the same details).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to disclose displaying a link from a first set of information related to the filtered one or more events being displayed, said link for accessing a second set of information related to the first set of information, as taught by Black et al. in the method of Wilson et al., as modified by Ditmer et al., so as to provide the network administrator additional status information for one or more filtered events,

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whenever the administrator wishes to further monitor an event that may be of critical importance by clicking on the link.

Response to Arguments

Applicant's arguments with respect to **claims 1, 4 and 6-12** have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any response to this Office Action should be **faxed to (571) 273-8300 or mailed to:**

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Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Kishin G. Belani whose telephone number is (571) 270-1768. The Examiner can normally be reached on Monday-Thursday from 6:30 am to 5:00 pm.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, David Wiley can be reached on (571) 272-3923. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.


Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free) or 703-305-3028.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist/customer service whose telephone number is (571) 272-0800.

Kishin G. Belani

K.G.B./kgb

October 19, 2007


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